

1950

EXAMINER

3017**DATE MAILED:**

~~6/07/00~~

04/07/00

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/367,761

Applicant(s)
Degenkamp

Examiner
Sherman Basinger

Group Art Unit
3617



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3 and 32 is/are rejected.

☒ Claim(s) 4-31 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Aug 19, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 and 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. There are two figures on sheet two labeled "FIG. 2F". One should be corrected to -FIG. 2G-.
2. Figure 6 of the drawings is objectionable because of the handwritten notation "stop pin". A reference character should point out the stop pin instead of handwritten notation.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 58 of page 11, line 22 is not shown in the drawings, also "direction T" of page 15, line 32 is not shown in the drawings. Correction is required.

Specification

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
5. The PCT application numbers appearing in lines 32 and 33 of page 1, line 1 of page 2, the last line of page 2, and line 17 of page 10 should be replaced by the publication number and publication date for each.
6. On page 10, line 3 "pin" is misspelled.
7. On page 14, line 13, "204" should be corrected to -214-.

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8. On page 15, line 15 a comma should be inserted after "202".

Claim Objections

9. Claims 4-31 are objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
10. The dash marks on either side of "in the displacement mentioned" should be replaced by commas.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 "the displacement mentioned" has no clear antecedent.

Claim Rejections - 35 USC § 102

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13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-3 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 60-67289.

The fluke and shank are clearly shown in figures 1 and 2. The first coupling is 8, the second coupling is 2, the pin is 7, and the axis is 3.

Claim 32 is clearly met by what is shown in figures 2-5 of Japan 60-67289.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Billups is cited to show hook surface 54. March is cited to show clip 27. Thompson is cited to show the percussion release hook.

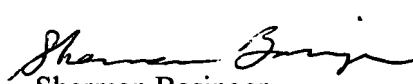

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman Basinger whose telephone number is (703) 308-1139. The examiner can normally be reached Monday through Friday from 6:15 A.M. Eastern Time to 02:15 P.M. Eastern Time.

17. If the examiner is unavailable for a telephone conference, a message can be recorded with "voicemail", and a return call will be forthcoming.

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18. The fax phone numbers for this Group are: (703) 305-3597; (703) 305-7687; and (703) 306-4195.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.


Sherman Basinger 

Primary Examiner, Art Unit 3617

April 5, 2000